

CITY OF MUSKEGON  
**ZONING BOARD OF APPEALS**  
REGULAR MEETING  
MINUTES

**January 14, 2015**

Chairman R. Hilt called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, S. Warmington, B. Larson, E. Carter, W. German T. Halterman, E. Fordham

MEMBERS ABSENT: None

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: S. White, 889 Washington; M. Curtis, attorney for S. White; C. Brady, 1820 Edgewater; C. Nesbary, 3251 Millard

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of May 13, 2014 be approved was made by S. Warmington, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2015-01: Request for a use variance from Section 400 of the zoning ordinance to allow two boats and a trailer to be stored in the front yard without being screened at 889 Washington Ave. by Steven White. M. Franzak presented the staff report. The City received a complaint about outdoor vehicle storage on this property. The property is zoned R-1, Single Family Residential and the zoning ordinance allows for only one recreational or utility vehicle to be stored on the property. It must be screened from the road and adjacent residential uses. The applicant is seeking a variance to allow storage of three recreational or utility vehicles and to not have to screen them. The property had been zoned for residential use for many years. The 1986 zoning map shows that it was zoned RT, Two Family Residential, and it is now zoned R-1. There is a commercial building on the property that is considered legally non-conforming. The zoning ordinance allows previously existing commercial buildings not already converted to residential use to be utilized for certain limited uses. Outdoor storage is not allowed in any capacity other than what is allowed in R-1 districts. Although there is a commercial building on site that is considered legally non-conforming and a case could be made that this is a commercial property, there are no zoning districts within the city where outdoor storage is allowed without screening from residential properties. M. Franzak stated that he had received five comments from the public – four were against the request and one was in favor. The comments against the variance cited the blighted appearance of the property, and stated that they would prefer it be cleaned up.

E. Fordham asked if the screening for the vehicles had to be solid. M. Franzak stated that it did. B. Larson stated that he was familiar with the property and could not recall it ever having a residential use. M. Curtis stated that he was an attorney representing the property owner, S. White. He stated that the boats had been there for years, and that the building was a former gas

station that had never been converted to residential use. R. Hilt asked if a variance would still be needed if the vehicles were stored behind the front building line. M. Franzak stated that the ordinance only allowed one vehicle to be stored and required it to be screened, so the variance would still be necessary. M. Curtis stated that the issue was not screening, but to allow the two boats and the trailer to be stored on the property. They did not mind having to screen the items. S. White stated that he had owned the property for 19 years, and he had originally purchased the property to store tools and other items inside the building. He stated that the trailer had been stored there for about 16 years, and asked why it was now becoming an issue. M. Franzak stated that a complaint had been made about vehicle storage on the property; in addition the City was stepping up its blight fight enforcement, with this being one of the targeted areas. S. Warmington stated that he had seen plow trucks parked on the property also. S. White stated that he owned some rental units and had stored the trucks on the lot when they were not in use. He stated that he was willing to move the trucks if necessary. S. Warmington stated that there was another property near this address that appeared to have an auto repair shop on it with quite a few vehicles parked there. M. Franzak stated that the auto repair shop was a grandfathered use there, and he had previously addressed the vehicle storage with the property owners, who had obtained a permit to put up a solid fence for screening. S. Warmington stated the question now was whether to allow the storage of both boats and the trailer as requested, and whether to require screening. M. Franzak stated that properties enjoying a legal non-conforming status had very specific requirements on what was allowed on those properties. The ordinance generally allowed non-conforming uses that benefitted the surrounding neighborhood, but not indoor or outdoor storage. W. German asked S. White if he would be willing to screen the vehicles to improve look of the property. S. White stated that he would do that when the weather permitted. E. Fordham asked that if the use variance were approved, would it stay with the property. R. Hilt stated that was correct.

C. Brady owned a unit in the Watermark Condominiums near the subject property and was opposed to the variance request. She stated that she represented several condominium owners who were opposed to the request. She stated that the Watermark was several stories high, and the windows in her unit looked down on this property. Even with screening, it would not block the view of the vehicles for many of the Watermark tenants. She stated that she had noticed positive changes to this area of town, and this property was a detriment to the neighborhood. E. Fordham asked if she had anything in writing regarding the other condo owners' statements. C. Brady stated that the condo manager was supposed to bring those to the meeting, but she had a last-minute emergency and was unable to attend. She stated that the condo complex had taken a survey of its residents and discussed it at their board meeting. C. Nesbary stated that she also owned a condo unit in the Watermark and agreed with C. Brady's comments. She encouraged board members to help improve City neighborhoods by enforcing the zoning ordinance across the City to help fight blight. M. Franzak reminded board members that in order to grant the variance, the standards or findings of fact must be met (see below for list of findings).

A motion to close the public hearing was made by B. Larson, supported by S. Warmington and unanimously approved.

B. Larson stated that the subject property was in this condition when the Watermark condo owners purchased their units, and he felt that the vehicles should be allowed to be stored on the property if they were less visible.

The following findings of fact were offered: a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the

property that do not apply generally to other properties or class of uses in the same zoning district, b) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity, c) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest, d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner, e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner, and f) That the requested variance is the minimum action required to eliminate the difficulty.

A motion that the request for a use variance from Section 400 of the zoning ordinance to allow two boats and a trailer to be stored in the yard at 889 Washington Avenue be approved, with the conditions that the boats and trailer are moved to the other side of the property from where they were currently parked, and that the vehicles were screened with a six-foot fence was made by B. Larson, supported by W. German and approved, with E. Carter voting nay.

#### OLD BUSINESS

None

#### OTHER

#### Elections

A motion to retain R. Hilt as Chairperson and E. Fordham as Vice-chairperson was made by B. Larson, supported by S. Warmington and unanimously approved. The nominees accepted the positions.

There being no further business, the meeting was adjourned at 4:47 p.m.